

REMARKS

This amendment is responsive to the Office Action of October 5, 2007. Reconsideration and allowance of the claims 2-14 and 16-19 are requested.

The Office Action

Claims 1-14 stand rejected under 35 U.S.C. § 102 as being fully anticipated by Marchitto (US 6,889,075).

Claims 1, 3-10, and 13-16 stand rejected under 35 U.S.C. § 102 as being fully anticipated by Lucassen (US 6,609,015).

**The Claims Distinguish Patentably
Over the References of Record**

Claim 2 has been placed in independent form, but not substantively amended. Claim 2 calls for the measurement beam to have a coverage greater than the objective opening and for the objective to move relative to the measurement beam. Because the beam has greater coverage than the opening of the objective, the objective can shift relative to the beam and still focus the measurement beam into a focal point.

Neither Marchitto nor Lucassen disclose a measurement beam which has greater coverage than the opening of the objective nor do Marchitto or Lucassen disclose movement of the objective in a direction perpendicular to the measurement beam. Accordingly, it is submitted that **claim 2 and claims 3-8 and 17 dependent therefrom** are not anticipated by Marchitto or Lucassen.

Claim 9 calls for an actuator which moves the objective and the focal spot. Neither Marchitto nor Lucassen disclose an actuator for moving the objective.

Moreover, claim 9 calls for a controller which is responsive to the imaging system to control the actuator to move the objective such that the focal point is maintained positioned in the volume of interest. Neither Marchitto nor Lucassen disclose such a controller. Marchitto discloses rotating a filter wheel and moving a reference mirror. However, there is no disclosure of an actuator for moving the objective. Lucassen displays an image IMG. Any adjustments based on the image apparently are manual. There is no disclosure in Lucassen of an actuator which is automatically controlled in response to the image. Accordingly, it is submitted that

claim 9 and claims 10-14 dependent therefrom are not anticipated by Marchitto or Lucassen.

Claim 16 has been placed in independent form, including the subject matter of parent claim 15, but has not been substantively amended. Claim 16 calls for forming a feedback loop such that the position of the objective is compared with the position of the blood vessel and the objective is moved until the focal point aligns with the blood vessel. Lucassen does not disclose a feedback loop which moves the objective until the focal point is aligned with the blood vessel. Lucassen does not disclose a feedback loop. No mechanism for moving the objective is disclosed in Lucassen. Accordingly, **claim 16 and claim 18 dependent therefrom** are not anticipated by Lucassen.

New **claim 19** is directed to an apparatus for providing *in vivo* analysis of blood which includes a feedback loop which moves the objective until the focal point coincides with the target blood vessel. Neither Marchitto disclose such a feedback loop. Accordingly, it is submitted that **claim 19** distinguishes patentably and unobviously over the references of record.

Supplemental Prior Art Submission

The previously unpublished applications referenced on page 2 of the present application have now been published as European Patents EP 1 605 819 and EP 1 658 487. A PTO-1449 form supplementing the original IDS to add these two references is attached.

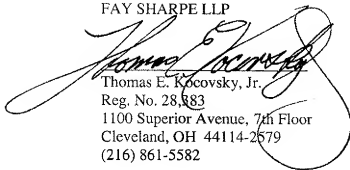
CONCLUSION

For the reasons set forth above, it is submitted that all claims distinguish patentably over the references of record and meet all statutory requirements. An early allowance of claims 2-14 and 16-19 is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he is requested to telephone Thomas Kocovsky at (216) 861-5582.

Respectfully submitted,

FAY SHARPE LLP



Thomas E. Kocovsky, Jr.
Reg. No. 28,883
1100 Superior Avenue, 7th Floor
Cleveland, OH 44114-2679
(216) 861-5582